

153. (Amended) A device according to claim 152 wherein said semiconductor device comprises transistors selected from the group consisting of a stagger type, an inverted stagger type, a planar type, and an inverted planar type transistors.

REMARKS

Claims 78-157 remain pending in this application. Claims 79, 85, 91, 97, 105, 113, 121, 129, 135, 141, 147 and 153 have been amended to correct a minor matter of form.

In the Office Action, claim 79 was identified as missing the phrase “consisting of.” As set forth above, claim 79 and similar claims have all been amended to address this formal matter.

On page 2, line 12 of the Office Action, claims 78-101, 103, 105-109, 111, 113-117, 119, 121-125, 127 and 129-133 were rejected under 35 USC §103(a) over Wilson in view of Konishi et al. This ground of rejection is respectfully traversed for the following reasons.

It is asserted in the Office Action that Wilson discloses all of the claimed subject matter, but omits the use of the transistor in a CMOS device. Konishi et al. is relied upon, accordingly, to show that transistors can be used in a CMOS device in an electro-optical device.

Applicants note that the burden of establishing a prima facie case of obvious lies with the Patent Office. In re Fine, 5 USPQ2d 1596 (Fed. Cir. 1988). To establish a prima facie case of obviousness, there must be (1) some suggestion or motivation (either in the references themselves or in the knowledge generally available to one of ordinary skill in the art) to modify the reference or to combine reference teachings to achieve the claimed invention, and (2) the prior art must teach or suggest all the claimed limitations. MPEP §2143. Also, simply because the references could be

On page 3 of the Office Action, claims 102, 110, 118 and 126 were rejected under 35 USC §102(b) over Wilson. This ground of rejection is respectfully traversed.

Under §102(b) a reference must be teach each and every one of the limitations recited in the claims. However, Wilson fails to teach that a channel region has at least one portion containing carbon, nitrogen, and/or oxygen as recited in claims 102, 110, 118 and 126. Accordingly, applicants respectfully submit that the §102(b) rejection based on Wilson is improper and respectfully request that the rejection be reconsidered and withdrawn.

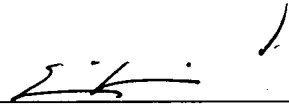
On page 4 of the Office Action, claims 78-157 were rejected under the doctrine of obviousness-type double patenting over claims 1-9 of U.S. Patent 5,821,563. Applicants are presently preparing a Terminal Disclaimer to overcome this ground of rejection and that document will be submitted to the U.S. Patent and Trademark Office as soon as it is received.

Application No. 08/788,560
Attorney Docket No. 0756-1626

In view of the above, all of the claims in this case are believed to be in condition for allowance. Should the Examiner deem that any further action by the applicants would be desirable in placing this application in even better condition for issue, he is requested to contact the undersigned.

Respectfully submitted,

SIXBEY, FRIEDMAN, LEEDOM & FERGUSON, P.C.



Eric J. Robinson
Registration No. 38,285

EJR/LDE/kmj

Attorney Docket No.: 0756-1626

SIXBEY, FRIEDMAN, LEEDOM & FERGUSON, P.C.
8180 Greensboro Drive, Suite 800
McLean, Virginia 22102
Telephone (703) 790-9110

F:\DATA\wp2\CLIENTS\0756\1626\Docs\AAFR.wpd